

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Amendments to the Specification**

Paragraph [0007] of the specification has been amended. Support for this amendment can be found, at least, in paragraphs [0033] and [0060] of the specification. Therefore, no new matter has been added.

### **II. Amendments to the Claims**

Claim 18 has been identified as being withdrawn.

Claims 21 and 22 have been amended to clarify features of the invention recited therein in order to overcome the 35 U.S.C. § 101 rejection discussed in detail below.

### **III. 35 U.S.C. § 101 Rejection**

Claims 21 and 22 were rejected under 35 U.S.C. §101 for reciting non-statutory subject matter. Specifically, claims 21 and 22 were rejected for not clarifying that the claimed computer-readable recording medium is a non-transitory medium.

As a result, claims 21 and 22 have been amended to recite a non-transitory computer-readable recording medium. Therefore, withdrawal of this rejection is respectfully requested, since claims 21 and 22 now recite statutory subject matter.

#### IV. 35 U.S.C. § 112 Rejection

Claims 1, 19 and 21 were rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement for reciting subject matter not described in the specification in such a way as to reasonably convent to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, claims 1, 19 and 21 were rejected for reciting the following limitations which are allegedly not described in the specification:

*“[A] a return position determining unit operable to determine, [B] based on the reproduction state change information and [C] based on whether (i) all of the stream media content has been reproduced by the reproducing unit or (ii) only a portion of the stream media content has been reproduced by the reproducing unit, [D] a return position indicating a portion of the multimedia content to be displayed when transitioning from reproducing the stream media content back to displaying the multimedia content when the reproduction of the stream media content by the reproducing unit has ended, [E] wherein the display unit is operable to display the portion of the multimedia content indicated by the return position.”*

The Applicants respectfully submit that the above-noted limitations are described in, at least, paragraphs [0024], [0027], [0028], [0032], [0033] and [0060] of the specification. Furthermore, as noted above, paragraph [0007] of the “brief summary of the invention” section of the specification has been amended for clarification purposes to include the exact language of the above-noted limitations, so as to clear up any confusion regarding the written description requirement.

Regarding the above-mentioned paragraphs of the specification, the Applicants note that paragraphs [0024], [0027], [0028] and [0060] of the specification disclose that a return position determining unit 106 determines a return position based on reproduction history information [reproduction state change information] of a reproduction history storing unit 105. This above-

noted disclosure of the specification clearly describes above-mentioned limitations **[A]** and **[B]**, as recited in the independent claims.

Further, the Applicants note that paragraphs [0024], [0028], [0032] and [0033] of the specification disclose that the return position determining unit 106 determines the return position based on transition condition information obtained from the multimedia browser 102, such that “[t]he return URL1 presents the URL to be returned to in the case where the stream media content is thoroughly reproduced while the return URL2 presents the URL to be returned to in the case where the user did not view the whole stream media content since the stream media content is, for instance, fast-forwarded or stopped during the reproduction.” This above-noted disclosure of the specification clearly describes above-mentioned limitations **[C]**, as recited in the independent claims.

Additionally, paragraph [0024] clarifies that the return position identifies a URI and a URL to be linked after the reproduction of the stream media content. Moreover, paragraph [0007] of the specification states that “the display unit displays the multimedia content located in the determined return position.” This above-noted disclosure of the specification clearly describes above-mentioned limitations **[D]** and **[E]**, as recited in the independent claims.

Thus, in view of the above-identified portions of the specification, it is respectfully submitted that the written description requirement is satisfied (i.e., the limitations recited in claims 1, 19 and 21 are in fact supported by the specification). As a result, withdrawal of this 35 U.S.C. § 112, first paragraph rejection is respectfully requested.

**V. 35 U.S.C. § 102 Rejection**

Claims 1-9, 11-15, 17, 19-22 and 24 were rejected under 35 U.S.C. § 102(c) as being anticipated by Terada et al. (U.S. 7,113,983). This rejection is believed clearly inapplicable to independent claims 1, 19 and 21 and the claims that depend therefrom for the following reasons.

Independent claim 1 recites that the reproduction device includes a return position determining unit operable to determine a return position based on reproduction state change information accepted from a user and based on whether (i) all of the stream media content has been reproduced by the reproducing unit or (ii) only a portion of the stream media content has been reproduced by the reproducing unit, such that the return position indicates a portion of the multimedia content to be displayed when transitioning from reproducing the stream media content back to displaying the multimedia content when the reproduction of the stream media content has ended. Finally, claim 1 recites that the display unit is operable to display the portion of the multimedia content indicated by the return position.

Initially, the Applicants note that on page 7 of the Office Action, the Terada reference was described as teaching the limitations of the claimed return position determining unit. However, after reviewing the comments included on page 7 of the Office Action, it appears that the rejection neglects the portions of claim 1 directed to the return position determining unit that were rejected under 35 U.S.C. § 112, first paragraph.

In other words, no portion of the Terada reference was identified in the Office Action as disclosing or suggesting that the return position is determined based on whether (i) all of the stream media content has been reproduced by the reproducing unit or (ii) only a portion of the stream media content has been reproduced by the reproducing unit, such that the return position

indicates a portion of the multimedia content to be displayed when transitioning from reproducing the stream media content back to displaying the multimedia content when the reproduction of the stream media content has ended, as now recited in claim 1.

Therefore, for the above-mentioned reasons alone, it is respectfully submitted that no portion of Terada has been identified as disclosing or suggesting the above-mentioned distinguishing features as recited in amended independent claim 1.

Furthermore, the Applicants note that, Terada merely teaches that audio and video content can be streamed, such that a user has the ability to fast-forward and fast-rewind the audio/video content while it is being streamed (see col. 3, lines 10-20 and 50-67). In addition, Terada teaches that a client computer displays basic content information, and after display of the basic information, a URL of selected content information is sent out to site A, and then the client computer receives a corresponding content file from site A and passes the received content file to a reproduction engineer (see col. 11, lines 30-52).

Thus, in view of the above, although Terada teaches fast-forwarding and fast-rewinding the audio/video content, Terada still fails to disclose or suggest the return position determining unit that determines a return position, based on reproduction state change information accepted from a user and based on whether (i) all of the stream media content has been reproduced by the reproducing unit or (ii) only a portion of the stream media content has been reproduced by the reproducing unit, as recited in claim 1.

In other words, even though Terada teaches streaming audio/video content that can be fast-forwarded and fast-rewound, Terada still fails to disclose or suggest that the reproduction state change information is taken into consideration and that whether all or only a portion of the

stream media content has been reproduced is taken into consideration, when reproducing stream media content and displaying multimedia content, as required by claim 1.

Furthermore, in view of the above, it is evident that Terada teaches that (i) a computer displays basic information, (ii) a URL of selected basic information is sent out to site A, and (iii) the computer receives a corresponding content file from site A, but fails to disclose or suggest the return position determining unit that determines a return position indicating a portion of the multimedia content to be displayed when transitioning from reproducing the stream media content back to displaying the multimedia content when the reproduction of the stream media content has ended, and fails to disclose or suggest the display unit that displays the portion of the multimedia content indicated by the return position, as recited in claim 1.

Moreover, it is also noted that simply because Terada teaches that the state of reproduction of a audio/video stream is changed (e.g., fast-forward, fast-rewind), Terada cannot be said to disclose or suggest the return position determining unit that determines a return position indicating a portion of the multimedia content to be displayed when transitioning from reproducing the stream media content back to displaying the multimedia content when the reproduction of the stream media content has ended, as required by claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 2-17, 24, 25 and 27 that depend therefrom are not anticipated by Terada.

Furthermore, there is no disclosure or suggestion in Terada or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Terada to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that

independent claim 1 and claims 2-17, 24, 25 and 27 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 19 and 21 are directed to a method and a program, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 19 and 21 and claims 20 and 22 that depend therefrom are allowable over the prior art of record.

#### **VI. 35 U.S.C. § 103(a) Rejections**

Claims 7, 10, 16, 25 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Terada and Osawa et al. (U.S. 5,956,037). In view of the above, it is respectfully submitted that Osawa does not disclose or suggest the above-discussed features of independent claim 1 which are lacking from the Terada reference. Therefore, no obvious combination of Terada with Osawa would result in, or otherwise render obvious, the invention recited independent claim 1 and claims 2-17, 24, 25 and 27 that depend therefrom.

## VII. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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